

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FRANK NALI,

Plaintiff,

v.

Civil Number 04-10235-BC

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

GROSSE POINTE WOODS,
ANTHONY CHALUT, CITY OF GROSSE
POINTE FARMS, and JOHN DOES,

Defendants.

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS TO ORDER
GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR JOINDER OF PERSONS**

On May 16, 2005, Magistrate Judge Charles E. Binder, to whom this matter had been referred for general case management, filed an order granting in part and denying in part the plaintiff's motion to join parties. The plaintiff filed objections to the part of the order denying the request to join assistant prosecutors Dawson and Bernardi as defendants. When reviewing an order of the Magistrate Judge on a non-dispositive matter, the Court reviews the Magistrate Judge's factual findings for clear error and his legal conclusions *de novo*. See 28 U.S.C. § 636(b)(1)(A). Upon consideration, the Court will overrule the objections.

The Court is under no obligation to permit the addition of futile claims to the plaintiff's complaint. *Crawford v. Roane*, 53 F.3d 750, 753 (6th Cir. 1995); *see also Foman v. Davis*, 371 U.S. 178, 182 (1962). The magistrate judge determined that amendment of the complaint would be futile because Dawson and Bernardi have absolute prosecutorial immunity. *Manetta v. Macomb County Enforcement Team*, 141 F.3d 274, 279 (6th Cir. 1998). The plaintiff's objections contend that he should be given an opportunity to allege specific actions of the two assistant prosecutors in order

to demonstrate a conspiracy, but do not challenge the prosecutors' immunity from suit. The objections have no merit.

Accordingly, it is **ORDERED** that the plaintiff's objections [dkt # 43] are **OVERRULED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 2, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 2, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS